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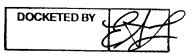
BEFORE THE ARIZONA CORPORATION

Respondents.

1 2 **COMMISSIONERS** 3 GARY PIERCE, Chairman 4 **BOB STUMP** SANDRA D. KENNEDY 5 **PAUL NEWMAN** 6 **BRENDA BURNS** 7 In the matter of: 8 TRI-CORE COMPANIES, LLC, an Arizona limited liability company, 9 TRI-CORE MEXICO LAND 10 DEVELOPMENT, LLC, an Arizona limited 11 liability company, 12 TRI-CORE BUSINESS DEVELOPMENT, LLC, an Arizona limited liability company, 13 ERC COMPACTORS, LLC, an Arizona 14 limited liability company, 15 ERC INVESTMENTS, LLC, an Arizona limited liability company, 16 C&D CONSTRUCTION SERVICES, INC., 17 a Nevada corporation; 18 PANGAEA INVESTMENT GROUP, LLC, an Arizona limited liability company, d/b/a 19 Arizona Investment Center, 20 JASON TODD MOGLER, an Arizona 21 resident. 22 BRIAN N. BUCKLEY and CHERYL BARRETT BUCKLEY, husband and wife, 23 CASIMER POLANCHEK, an Arizona 24 resident, 25 NICOLE KORDOSKY, an Arizona resident,

Arizona Corporation Commission DOCKETED

JAN 2 2 2014



DOCKET NO. S-20867A-12-0459

ORIGINAL

MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR C&D CONSTRUCTION SERVICES, INC.

(Assigned to Administrative Law Judge Marc E. Stern)

2929 N. Power Rd., Suite 101, Mesa, Arizona 85215 (480) 659-5324

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Dale B. Rycraft Jr., Esq., of THE RYCRAFT LAW FIRM, PLLC ("Rycraft"), respectfully requests entry of an order permitting him to withdraw as attorney of record for respondent C&D Construction Services, Inc. ("C&D"). This motion has been brought due to the fact that C&D's account at Rycraft is extremely overdue and the balance has become very large. Over the past 9 months, Rycraft has repeatedly asked C&D to make payments on its account, but C&D has failed to do so. C&D's balance has now grown so large that is imposing a substantial and unreasonable financial burden on Rycraf, t and continued representation will only serve to increase the burden.

A.A.C. R14-3-104(E) states:

The Commission or presiding officer may permit the withdrawal of an attorney from any proceeding upon written application and good cause shown under such terms, conditions, and notices to clients and other parties as the Commission or presiding officer may direct. Oral application for withdrawal may be made during any open proceeding which is being reported.

Arizona Rules of Professional Conduct, Rule 1.16(b), allows a lawyer to withdraw from representing a client, among other things, if:

- (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
- (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
- (7) other good cause for withdrawal exists.

In this case, C&D has failed substantially to fulfill its obligations to Rycraft by failing to make payments toward legal services in defending this complex litigation, and Rycraft has given C&D reasonable warning that he would withdraw unless C&D fulfills its obligation to make such payments. Continued representation will increase the unreasonable financial burden already imposed on Rycraft by C&D's failure to pay for attorney's fees and costs incurred on its behalf. C&D is well aware of the consequences it may face without representation, and have been advised to seek other counsel if this motion is granted.

All parties have been served with this Motion to Withdraw and notice to all parties, including C&D, has been made as is evidenced by the certificate of service below. As the

DOCKET NO. S-20867A-12-0459

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hearing for this matter is set to restart on February 3, 2014, Rycraft respectfully requests that this motion be granted prior to that date. The undersigned respectfully requests that the Court grant this Motion to Withdraw as Attorney of Record for C&D Construction Services, Inc. and for such other relief as may be just and appropriate.

RESPECTFULLY SUBMITTED this 20 day of January 2014.

THE RYCRAFT LAW FIRM, PLLC

DALE B. RYCRAFT JR Arizona Bar No. 017097

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Mesa, Arizona 85215

PH: (480) 659-5324 FX: (480) 659-7294

drycraft@rycraftlaw.com

Attorney for C&D Construction Services, Inc.

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1	mailed this $2^{ S }$ day of January, 2014 to:
2	
3	Docket Control ARIZONA CORPORATION COMMISSION
4	1200 W. Washington St. Phoenix, AZ 85007
5	COPIES of the foregoing mailed this 2/5 day of January 2014, to:
6	
7	Honorable Marc E. Stern Administrative Law Judge ARIZONA CORPORATION COMMISSION
8	1200 W. Washington St. Phoenix, AZ 85007
9	
10	Stacy L. Luedtke, Staff Attorney ARIZONA CORPORATION COMMISSION
11	Securities Division 1300 W. Washington, 3 rd Floor
12	Phoenix, AZ 85007
13	Bobby O. Thrasher, Jr., Esq. THRASHER JEMSEK
14	530 E. McDowell Rd., Suite 107-495 Phoenix, AZ 85004
15	Attorney for: Tri-Core Companies, LLC
16	Tri-Core Business Development, LLC And Jason Todd Mogler
17	
18	C&D Construction Services, Inc. Attn: Irma Huerta, President 1520 Red Rock Street
19	Las Vegas, NV 89146
20	By Out &
21	Employee of The Rycraft Law Firm, PLLC
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